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Message Text

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15
ACTION DLOS-06

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 AF-10 ARA-16 NEA-10

RSC-01 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SPC-03 SS-20 USIA-15

CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04 SCI-06

FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 DRC-01 /262 W
---------- 047497
R 020400Z APR 74
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 2910
INFO AMEMBASSY JAKARTA
AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L CANBERRA 1943

E.O. 11652: GDS
TAGS: PBOR, ID, AS
SUBJECT: LAW OF THE SEA

1. AMBASSADOR, OXMAN, AND EMBOFF NENNO CALLED ON HUGH GILCHRIST, ACTING HEAD, LEGAL DIVISION, DFA, TO DISCUSS STRAITS AND ARCHIPELAGOS QUESTIONS AFTERNOON APR 1. PRESENT WERE RICHARD SMITH, GILCHRIST'S DEPUTY; JOHN BAILEY, HEAD LOS SECTION, AND MICHAEL LANDALE OF BAILEY'S OFFICE; AND KEN GRAY, ADOD.

2. ARCHIPELAGOS. OXMAN BRIEFED GILCHRIST ON CONVERSATIONS IN JAKARTA AND EXPRESSED HOPE THAT NOTHING WOULD BE DONE IN THE COMING PERIOD THAT COULD UPSET THE CHANCES FOR PROGRESS. HE STRESSED CONFIDENTIAL NATURE OF CONVERSATIONS, FACT THAT INDONESIANS WOULD THEMSELVES UNDERTAKE EXPLORATION WITH OTHER ARCHIPELAGO CLAIMANTS, AND THAT HE WAS PROCEEDING TO MANILA AT THIS TIME SOLELY FOR PURPOSE OF CONSULTATIONS WITH U.S. AMBASSADOR. GOA REACTION CONFIDENTIAL

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PLACED HEAVY EMPHASIS ON WHETHER U.S. DEFINITION OF ARCHIPELAGO

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COULD INCLUDE ALL OR PART OF PAPUA NEW GUINEA, PARTICULARLY BISMARCK ARCHIPELAGO. WHEN OXMAN EXPLAINED THAT WE WERE NOT PROPOSING CLUSTERS, GOA POINTED OUT THAT THERE WAS STILL THE POSSIBILITY OF ENCLOSING ONLY ONE ISLAND GROUP, IMPLYING THAT IT DID NOT APPEAR REASONABLE TO DENY ARCHIPELAGIC TREATMENT TO A STATE SIMPLY BECAUSE A FEW OF ITS ISLANDS WERE FAR FLUNG, WHICH NEED NOT BE INCLUDED WITHIN ARCHIPELAGO. BAILEY EXPRESSED PARTICULAR SURPRISE AT ABSENCE OF INDONESIAN OBJECTION TO SUBMERGED PASSAGE, STRESSING THAT HE THOUGHT THIS WAS A MAJOR PROBLEM. GILCHRIST REMARKED THAT THE TRANSIT AREAS WERE VERY LARGE, AND WOULD ENCOMPASS MOST OF THE ARCHIPELAGOS. WE POINTED OUT THAT IT DID NOT LOOK AT ALL BAD ON THE CHART, AND EXPLAINED THE REASONS WHY WE HAD VERY LIMITED FLEXIBILITY ON THE SIZE OF THE TRANSIT AREAS. BAILEY NOTED THAT INDONESIA WAS APPARENTLY THINKING OF ONLY TWO TRANSIT ROUTES FOR WARSHIPS, ONE NORTH - SOUTH, AND ONE EAST - WEST, AND INQUIRED IF INDONESIANS HAD MADE THIS POINT. WE REPLIED THAT THE INDONESIANS HAD INQUIRED IF THERE HAD TO BE AS MANY TRANSIT ROUTES FOR WARSHIPS.

3. STRAITS. AUSTRALIANS WERE NOT SURPRISED AT OUR REPORT OF INDO-NESIAN STRAITS ATTITUDE, AND MERELY WONDERED HOW INDONESIA COULD POLITICALLY EXTRICATE ITSELF FROM THE STRAITS GROUP. WE EXPLAINED OUR OBJECTIONS TO THE UK DRAFT ARTICLES. BAILEY ASKED IF THESE APPLIED TO THE "REVISED DRAFT," TO WHICH WE RESPONDED IN THE AFFIRMATIVE. BAILEY ALSO EXPRESSED DOUBT THAT STRAIT STATES COULD AGREE THAT THERE WOULD BE NO COASTAL STATE REGULATION EXCEPT FOR SOME POSSIBILITY ON DISCHARGES.

4. SINCE IT WAS AGREED THAT ARCHIPELAGOS AND STRAITS ISSUES WOULD NOT BE ADDRESSED IN DETAIL AT MEETING WITH INTERMINISTERIAL GROUP AFTERNOON APRIL 2, WE WILL MEET AGAIN WITH GILCHRIST AND HIS ASSOCIATES IN THE MORNING.

5. WE RAISED OUR PLANS FOR TEAM VISIT IN MAY, HOPEFULLY TO BE HEADED BY JOHN MOORE. AUSTRALIANS CONFIRMED THAT THEY WERE IN THE MIDST OF DECISION PROCESS NOW.

6. DURING PRIVATE DINNER CONVERSATION, BAILEY MADE FOLLOWING INTERESTING POINTS:
A) DURING VISIT TO AUSTRALIA ABOUT 8 MONTHS AGO UNDER CIRCUMSTANCES THAT "IMPLIED" OFFICIAL U.S. BLESSING FOR VISIT, CONFIDENTIAL

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EUGENE ROSTOW TOLD SENIOR FOREIGN OFFICE OFFICIALS THAT U.S. DID NOT ATTACH GREAT IMPORTANCE TO LOS TREATY.
B) AUSTRALIAN MILITARY IS NOT PERSUADED THAT IT IS VITAL THAT U.S. HAVE LEGAL RIGHT OF SUBMERGED TRANSIT OF INDONESIAN ARCHIPELAGO IN MULTILATERAL TREATY FOR SECURITY REASONS, PARTICULARLY AS THEY RELATE TO ANZUS. "IN A CRUNCH" U.S. COULD GO THROUGH SUBMERGED IRRESPECTIVE OF LOS TREATY, AND ASIANS WOULD BE INCLINED TO PRETEND NOT TO KNOW, EVEN IF THEY DID.

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C) AUSTRALIAN POSITION ON STRAITS IS SILENCE.
D) THE GOVERNMENT DOES NOT PERCEIVE ANY REAL THREAT TO AUSTRALIAN SECURITY IN THE NEXT TEN YEARS.
E) GOA WOULD PREFER TO LIMIT ANY PAPUA NEW GUINEA ARCHIPELAGO TO THE BISMARK ARCHIPELAGO, THUS HAVING AMPLE HIGH SEAS ROUTE. GOVERNMENT OF PAPUA NEW GUINEA IS INCLINED TO ARCHIPELAGO FOR ALL ITS TERRITORY.
GREEN

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